

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **FOR THE**  
                                  **WESTERN DISTRICT OF TENNESSEE**

3 **CAROLYN BLEDSOE,**

4                                   Plaintiff,

5                                   v.

6 **AMERICAN**  
7 **INTERCONTINENTAL**  
8 **UNIVERSITY, INC.,**

9                                   Defendant.  
10 \_\_\_\_\_

)  
)  
) **Case No.:**

) **COMPLAINT AND DEMAND FOR**  
) **JURY TRIAL**

) **(Unlawful Debt Collection Practices)**  
)  
)  
)

11                                   **COMPLAINT**

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13           CAROLYN BLEDSOE (“Plaintiff”), by and through her attorneys,  
14 KIMMEL & SILVERMAN, P.C., alleges the following against AMERICAN  
15 INTERCONTINENTAL UNIVERSITY, INC. (“Defendant”):  
16

17                                   **INTRODUCTION**

18           1.     Plaintiff’s Complaint is based on the Telephone Consumer Protection  
19 Act, 47 U.S.C. § 227, *et seq.* (“TCPA”).  
20

21                                   **JURISDICTION AND VENUE**

22           2.     Jurisdiction of this Court arises under 28 U.S.C. § 1331, which grants  
23 this court original jurisdiction of all civil actions arising under the laws of the  
24  
25

1 United States. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181  
2 L. Ed. 2d 881 (2012).

3 3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

4 **PARTIES**

5  
6 4. Plaintiff is a natural person, who resides in Memphis, Tennessee  
7 38141.

8 5. Plaintiff is a “person” as that term is defined by 47 U.S.C. § 153(39).

9  
10 6. Defendant is a corporation with its headquarters located at 231 N  
11 Martingale Road, Schaumburg, Illinois 60173.

12 7. Defendant is a “person” as that term is defined by 47 U.S.C. §  
13 153(39).

14  
15 8. Defendant acted through its agents, employees, officers, members,  
16 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
17 representatives, and insurers.

18 **FACTUAL ALLEGATIONS**

19  
20 9. Plaintiff has a cellular telephone number.

21 10. Plaintiff has only used this phone as a cellular telephone.

22 11. Beginning in or around July 2016, Defendant called Plaintiff on her  
23 cellular telephone on a repetitive and continuous basis.

24  
25 12. During the relevant period, Defendant called Plaintiff on her cellular

1 telephone multiple times per day.

2 13. When contacting Plaintiff on her cellular telephone, Defendant used  
3 an automatic telephone dialing system and automated and/or pre-recorded  
4 messages.  
5

6 14. Plaintiff often would answer a call to be greeted with an automated  
7 recording before speaking to callers or receive voice messages from an automated  
8 voice.  
9

10 15. Defendant's telephone calls were not made for "emergency  
11 purposes" since Defendant has been calling Plaintiff regarding their educational  
12 programs.  
13

14 16. Desiring to stop these repeated calls, Plaintiff spoke with Defendant  
15 in late July 2016 and requested that the calls stop immediately.

16 17. Defendant heard and acknowledged Plaintiff's request to stop  
17 calling.  
18

19 18. Once Defendant was told the calls were unwanted and to stop, there  
20 was no lawful purpose to making further calls, nor was there any good faith  
21 reason to place calls.

22 19. Despite Plaintiff's clear revocation of consent to call her cellular  
23 phone, Defendant persisted in calling Plaintiff multiple times daily through  
24 August 2016 despite multiple requests to cease calling her cellular telephone.  
25

1           20. After Plaintiff's repeated requests to stop the calls were ignored by  
2 Defendant, she had no other option but to install a blocking application to block  
3 calls from Defendant's phone numbers.

4           21. Upon information and belief, Defendant conducts business in a  
5 manner which violates the Telephone Consumer Protection Act.  
6

7  
8                           **DEFENDANT VIOLATED THE**  
9                           **TELEPHONE CONSUMER PROTECTION ACT**

10           22. Plaintiff incorporates the forgoing paragraphs as though the same  
11 were set forth at length herein.  
12

13           23. Defendant initiated multiple automated telephone calls to Plaintiff's  
14 cellular telephone using a prerecorded voice.

15           24. Defendant initiated these automated calls to Plaintiff using an  
16 automatic telephone dialing system.  
17

18           25. Defendant's calls to Plaintiff were not made for emergency purposes.

19           26. Defendant's calls to Plaintiff were not made with Plaintiff's prior  
20 express consent as she revoked in late July 2016.  
21

22           27. Defendant's acts as described above were done with malicious,  
23 intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights  
24 under the law and with the purpose of harassing Plaintiff.  
25

1           28. The acts and/or omissions of Defendant were done unfairly,  
2 unlawfully, intentionally, deceptively and fraudulently and absent bona fide error,  
3 lawful right, legal defense, legal justification or legal excuse.

4           29. As a result of the above violations of the TCPA, Plaintiff has suffered  
5 the losses and damages as set forth above entitling Plaintiff to an award of  
6 statutory, actual and treble damages.  
7

8  
9           WHEREFORE, Plaintiff, CAROLYN BLEDSOE, respectfully prays for a  
10 judgment as follows:  
11

- 12           a. All actual damages suffered pursuant to 47 U.S.C.  
13           §227(b)(3)(A);  
14  
15           b. Statutory damages of \$500.00 per violative telephone call  
16           pursuant to 47 U.S.C. §227(b)(3)(B);  
17  
18           c. Treble damages of \$1,500 per violative telephone call pursuant  
19           to 47 U.S.C. §227(b)(3);  
20  
21           d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and  
22           e. Any other relief deemed appropriate by this Honorable Court.

23                           **DEMAND FOR JURY TRIAL**

24           PLEASE TAKE NOTICE that Plaintiff, CAROLYN BLEDSOE, demands  
25 a jury trial in this case.

Respectfully submitted;

DATED: August 26, 2016

/s/ Amy L. Bennecoff Ginsburg  
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